

Alkon, Margaret

From: Scott Stutler [FOIA (b)(6) personal email address]
Sent: Thursday, October 25, 2018 12:14 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Fw: United States v. Derive Systems, Inc. et al., D.J. Ref. No. 90-5-2-1-11627

Good afternoon, earlier this week I provided the attached commentary. After further evaluation and consideration, I wish to retract these statements. No further commentary or review on the part of the DOJ or EPA is necessary.

I apologize for the confusion.

Thank you,
Scott Stutler

On Tuesday, October 23, 2018 6:15 PM, Scott Stutler [FOIA (b)(6) personal email address] > wrote:

Good afternoon, this commentary is solely my personal opinion based on my experience. I am not in support of this litigation. I feel that the EPA is overstepping its bounds and abusing its authority. Millions of enthusiasts modify and personalize their vehicles, it is a \$30 billion industry, and tuning is a critical component of that. In the vast majority of use cases for tuning products, the vehicles are either used in competition, or are in compliance with their local state's regulations. In the cases where the vehicles in question are not in compliance, the states have their own means to enforce compliance to their own standards. Additionally, the limited number of vehicles in operation and limited road use of those vehicles represents an inconsequential percentage of pollution contribution. It is impossible to enforce the clean air act at the consumer level; the legislation has tentacles that reach beyond the knowledge of most legislators, let alone businesses or end users. To have the DOJ and EPA force a privately held company to enforce and educate businesses and consumers about a federal law is beyond the scope of the EPA's responsibility. Additionally, I feel that the EPA should be approaching this topic with a wider scope; provide a pathway for enthusiasts to pursue their hobby, and contribute to our economy, without fear of prosecution.

There is an underlying issue here that is driving a lot of this. The emissions laws are too strict; in order to make the vehicle compliant with the CAA, the vehicle is no longer efficient, reliable, or desirable. That's why Volkswagen, FCA, GM, Ford, and many other manufacturers have been caught cheating at some point or another; and why there is a black market for defeating the systems post sale. You can't force people to buy a product that is unreliable, inefficient, unsafe, and unaffordable. After 242 years of creating black markets, when is the government going to realize that people will do what they want to do whether or not it is legal?

Even if Derive goes out of business, which it probably will, there will be several other organizations pop up to meet consumer demand. It would be more constructive to put these resources toward bigger and more meaningful issues like global deforestation, fossil fuel dependency for energy, nuclear waste, etc. Create an environmental fund that enthusiasts can contribute to as part of their vehicle registration process that will provide enough capital to address the bigger issues. You already have something in place to allow exceptions....people who pay \$300K for a Ferrari can only do so because of the gas guzzler tax; provide exceptions to everyone else outside of the wealthiest people in the country. Otherwise, it seems the EPA is primarily interested in weakening the US economy and putting more people out of work.

Thank you for the opportunity to express my opinion.